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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,131	12/15/1998	ERIC C. ANDERSON	736CP126C	7384
29141	7590	09/22/2005	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303				AGGARWAL, YOGESH K
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/213,131	ANDERSON, ERIC C.	
	Examiner	Art Unit	
	Yogesh K. Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-9,11-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-9,11-18 and 20-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Arguments

1. Applicant's arguments with respect to claims 7-9, 11-18 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Examiner's response:

2. Applicant argues w.r.t. claim 7 that Anderson (US Patent # 6,267,789) does not teach comparing the aspect ratio of the image to a predetermined aspect ratio. The Examiner respectfully disagrees. Anderson '789 teaches in col. 8 lines 3-8 and steps 700 and 702 (figure 9) to have two different orientations (e.g. portrait and landscape) associated with the image and digital camera respectively. Further as explained in figures 10a, a portrait image (having a particular aspect ratio) is being displayed on a landscape orientation (landscape orientation has a different aspect ratio compared to the portrait orientation, col. 8 lines 9-14). Then in step 704 of figure 9, both orientations are compared. The Examiner notes that the steps of comparing the portrait orientation of the image with the landscape orientation of the camera will have both heights and widths be compared and not heights and widths alone. This is because when heights are compared, it is found that portions 800a and 800b need to be cropped. When widths are compared the space 802a and 802b is found to be empty (no image) and therefore needs to be filled with a blank or a colored border (col. 8 lines 13-22). Therefore both heights and widths are compared which correspond to the aspect ratios being compared and hence teaches the claimed limitation "determining if the aspect ratio of the image matches a predetermined aspect ratio" is being taught by Anderson.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-9, 11, 12, 15-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by (USPN 6,262,769 to Anderson et al.).

[Claim 7]

Anderson discloses a method for correcting an aspect ratio of an image captured by an image capture device comprising the steps of:

- (a) rotating the image, if required, so that the image appears upright on a display of the image capture device (e.g. column 3, lines 5-21; column 6, line 56 – column 7, line 10; column 7, line 60 – column 8, line 12);
- (b) determining if the aspect ratio of the image matches a predetermined aspect ratio (e.g., it is determined if the image is to be rotated to a portrait orientation on the landscape display or if the image is to be displayed as a landscape image on the landscape display; column 6, line 50 – column 7, line 10; column 8, lines 3-22; Figs. 10a and 10b. Also explained above);
- (c) decompressing the image if required (e.g., column 8, lines 43-57);
- (d) cropping the image if the aspect ratio does not match the predetermined aspect ratio, thereby providing a cropped image (e.g., column 8, lines 9-38, wherein the predetermined aspect ratio is the aspect ratio of the display in its current orientation; Figs. 10a, 10b, and 11);

- (e) providing the cropped image to the display (e.g., Figs. 10a, 10b, and 11);
wherein the image capture device is a digital camera (e.g., Fig. 2).

[Claim 8]

Anderson discloses the method of claim 7 wherein the step of cropping the image further comprises the step of:

- (d1) resizing the image (e.g., column 8, lines 9-57 wherein cropping the image is resizing it, also adding the borders to the image is resizing the image).

[Claim 9]

Anderson discloses the method of claim 8 wherein the aspect ratio determining step (a) further comprises the step of:

- (b1) determining the aspect ratio of the image (e.g., determining the orientation of the image); and
- (b2) determining if the aspect ratio of the image matches an aspect ratio of the display (e.g., column 8, lines 10-13).

[Claim 11]

In regards to claim 11 see element 402 of Fig. 3.

[Claim 12]

In regards to claim 12 see Figs. 10a, 10b, and 11.

[Claims 15-18 and 20]

In regards to claims 15-18, and 20 see Examiner's notes on the rejections above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 11-18 and 21-22 and are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,270,831 to Parulski et al.) in view of Suzuki et al. (US Patent # 6,084,990).

[Claim 7]

Parulski discloses a method for correcting an aspect ratio of an image captured by an image capture device comprising the steps of:

- (a) rotating the image, if required, so that the image appears upright on the image capture device (e.g. column 2, lines 40-45; column 3, lines 12-19; column 6, line 62 – column 7, line 2);
- (b) determining if the aspect ratio of the image matches a predetermined aspect ratio (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9);
- (c) decompressing the image if required (e.g., column 4, line 60 – column 5, line 4);
- (d) cropping the image if the aspect ratio does not match the predetermined aspect ratio, thereby providing a cropped image (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9);
- (e) providing the cropped image to a display (e.g., Figs. 5-9);

wherein the image capture device is a digital camera (e.g., scanner 12 of Fig. 1; column 4, lines 35-49; also note column 4, lines 26-31).

Parulski teaches a digital scanner 12 (analogous to a digital camera) and a separate playback device 14 with a display but does not teach if the digital scanner and the playback device are integrated into a single device. However Suzuki et al. teaches an image scanner (figure 1a) in a state of inputting and displaying the image. The main body 2 includes a display device 15 and a scanner 17 all integrated in one (col. 4 lines 50-67, figures 1-2) in order to have a compact structure that is less costly and also to reduce the power consumption.

Therefore taking the combined teachings of Parulski and Suzuki, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used the digital scanner and display device of Parulski be integrated into one device in order to have a compact structure that is less costly and also to reduce the power consumption.

[Claim 8]

Parulski discloses wherein the step of cropping the image further comprises the step of:

- (d1) resizing the image (e.g., column 8, lines 29-63).

[Claim 9]

Parulski discloses wherein the aspect ratio determining step (a) further comprises the step of:

- (b1) determining the aspect ratio of the image; and
- (b2) determining if the aspect ratio of the image matches an aspect ratio of the display (e.g., column 7, lines 3- column 8, line 8; Figs. 5-9).

[Claim 11]

In regards to claim 11, Suzuki discloses a LCD monitor (col. 6 lines 66-67).

[Claim 12]

In regards to claim 12 Examiner notes page 12, lines 11-14 of the instant invention for the definition of a screenail image. Examiner notes column 7, lines 39-61 of Parulski wherein by providing an image that fills the visible area of the display, Parulski provides a screenail image.

[Claim 13]

In regards to claim 13, note column 4, line 60 – column 5, line 4 of Parulski wherein iteratively higher resolution images can be displayed.

[Claim 14]

In regards to claim 14 see Examiners notes on the rejections above, wherein the same display steps for cropping the image would be applied to the higher resolution images.

[Claims 15-17]

In regards to claims 15-17 see Examiners notes on the rejections above.

[Claims 18, 21-22]

In regards to claims 18 and 21-22 see Examiners notes on the rejection of the claims above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
September 18, 2005



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